

Remarks:

Reconsideration of the application, as amended herein, is respectfully requested. The present Substitute Amendment is being filed in response to the Office Action dated July 12, 2007 and the Notice of Non-Compliant Amendment dated February 6, 2008.

Claims 1 - 10 and 12 - 21 are presently pending in the application. Claims 1, 12, 13 and 14 have been amended. Claim 11 has been canceled.

Applicants gratefully acknowledge that item 7 of the above-identified Office Action indicated that claims 16 - 21 were allowed.

In item 3 of the Office Action, claims 1, 4 - 9, 14 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over United Kingdom Patent Application No. GB 2 349 522 to Samuels et al ("**SAMUELS**") in view of U. S. Patent Application Publication No. 2001/0006888 to Posti et al ("**POSTI**"). In item 4 of the Office Action, claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **SAMUELS** in view of **POSTI**, and further in view of U.S. Patent Application Publication No. 2001/0000456 to McGowan ("**MCGOWAN**"). In item 5 of the Office Action, claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly being

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obvious over **SAMUELS** in view of **POSTI**, and further in view of U.S. Patent No. 7,130,595 to Mohindra ("**MOHINDRA**"). In item 6 of the Office Action, claims 11 - 13 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **SAMUELS** in view of **POSTI**, and further in view of U.S. Patent Application Publication No. 2002/0168025 to Schwent et al ("**SCHWENT**").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, Applicant's independent claims 1 and 14 have been amended to recite, among other limitations, the limitations of former dependent claim 11, now canceled. For example, Applicants' claims 1 and 14 have been amended to recite, among other limitations:

a scaling unit for varying said signal amplitudes of said baseband transmission signals, **said scaling unit including a memory for storing a sequence of rising or falling amplitude values;**

said sequence of amplitude values producing a rising or falling profile for said signal amplitudes of said baseband transmission signals; [emphasis added by Applicants]

However, item 6 on page 8 of the Office Action acknowledges that the **SAMUELS** and **POSTI** references fail to teach or suggest, among other limitations of Applicants' claims, "the scaling unit includes a memory for storing a sequence of

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rising or falling amplitude values; and the sequence of amplitude values produces a rising or falling profile for the signal amplitudes of the baseband transmission signals". Rather, item 6 of the Office Action goes on to cite the **SCHWENT** reference, in combination with **SAMUELS** and **POSTI**, as allegedly disclosing the limitations of Applicants' former claim 11, which were missing from **SAMUELS** and **POSTI**.

However, the instant invention was conceived of and reduced to practice in a WTO country prior to the filing date of the **SCHWENT** reference. As such, Applicants respectfully disagree with the use of the **SCHWENT** reference in combination with the **SAMUELS** and **POSTI** references. In particular, among other reasons, the **SCHWENT** reference is believed to not be citable prior art against the instant invention.

The instantly claimed invention was made (conceived and reduced to practice) in a WTO member country, prior to May 14, 2001 (i.e., the filing date of the **SCHWENT** reference). Enclosed herewith is a signed declaration under 37 CFR § 1.131 swearing to the earlier invention date.

The statements in the declaration are corroborated by the copy and translation of the relevant pages of an original invention disclosure enclosed herewith. The form paper *Erfindungsmeldung* (invention disclosure) is dated **February 27, 2001** (top right

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corner). The invention disclosure was provided to the inventors' supervisor (Dr. Gunzelmann), receipt of which was recorded on the invention disclosure, itself, on February 28, 2001. Furthermore, the invention disclosure was received in the Office of IP Management on March 7, 2001, and on March 29, 2001 at the corporate patent department (CT IPS AM Mch P/R) in charge of the application, as indicated by the date stamps thereon. Further, upon submission of the invention disclosure to their supervisor, the inventor's checked item 8 on page 3 that of the original invention disclosure form, and further commented that, as of the date the invention disclosure, the invention had been successfully tested by simulation as to all system components. As such, as of at least as early as February 27, 2001, the currently claimed invention had been conceived of and reduced to practice.

It is thus clear that the claimed invention was made prior to May 14, 2001, and at least as early as **February 27, 2001**. Thus, the **SCHWENT** reference, filed with the Patent Office on **May 14, 2001**, is not available as a prior art reference against the currently claimed invention.

Because **SCHWENT** is not prior art to the instant invention, and because the **SAMUELS** and **POSTI** references, even when taken in combination, fail to teach or suggest all limitations of

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Applicants' amended claims 1 and 14, those claims are believed to be patentable over the prior art of record. As such, Applicants' claims are believed to be in condition for allowance.

It is accordingly believed that none of the properly citable, prior art references, whether taken alone or in any combination, teach or suggest the features of claims 1, 14, 16, 20 and 21. Claims 1, 14, 16, 20 and 21 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1, 14 or 16.

In view of the foregoing, reconsideration and allowance of claims 1 - 10 and 12 - 21 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a one (1) month extension of time, and please provide a one (1) month extension of time, to and including, November 12, 2007, to respond to the present Office Action.

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The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$120.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,



For Applicants

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February 26, 2008

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